

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

ON-SITE SYSTEMS ADVISORY BOARD
89 Kings Highway, Dover, DE 19901
(302) 739-9948

Monthly Meeting Minutes
For November 3, 2010

Members Present: Matt Brill, Gerry Desmond, Lāf Erickson, Paul Hufschmidt, Byron Jefferson, Phil King, Dave Schepens, Ken Walsh

Also Present: DNREC staff: Dawn Baker, Susan Marsett, Kathy Wright

- ❖ Meeting began at 9:15 a.m.
- ❖ Dave made a motion to accept the amended agenda items (marked with a π on the agenda); Ken seconded, all approved.
- ❖ October 2010 Meeting Minutes reviewed; Ken made a motion to approve with changes, Phil seconded, all approved.
- ❖ Ronald Sawyer (Class B & E Lic # 2306) – Mr. Sawyer entered meeting at 9:20 am. Mr. Sawyer had concerns with CET certificate (CET training hours) obtained from Bord Na Móna. Certificate indicates 8-hour course and notes DNREC-approval for 3 hrs of CETs. OSSAB discussed past courses and concerns regarding length of time spent on installation and training. Jason Baumgartner to contact Bord Na Móna to change verbage of certificates.
- ❖ Denver Bivens (Class E & F Lic # 2414) – Mr. Bivens entered meeting at 9:35. Mr. Bivens was requested to appear to discuss concerns presented during October 2010 OSSAB meeting. Byron explained to Mr. Bivens the nature for his requested appearance. Sue gave an overview of four (4) Managers Warnings sent to Mr. Bivens, covering July 2009 to September 2010. A letter from James Cassidy, PMI (Georgetown) suggested that the OSSAB consider the suspension of Mr. Bivens' Class E license. Mr. Bivens explained that his primary employment involves utilizing his Class F license (as a liquid waste pumper) and he doesn't always have the time necessary to devote to septic installations/repairs; Mr. Bivens acknowledged that he has made mistakes and asked OSSAB for leniency. Ken addressed his own personal knowledge of a previous septic installation involving Mr. Bivens and a Class C System Designer, resulting in the engineer returning to the site several times. The OSSAB suggested that Mr. Bivens consider working under a Class E licensee(s), for period of time, to gain technical knowledge. The OSSAB noted that Mr. Bivens seems to have an overall lack of competency, in various aspects of septic installation/repair. Mr. Bivens agreed that he has made mistakes and may have stretched himself too thin, due to economical reasons. Mr. Bivens also noted that he works alone when doing installations/repairs. Dave explained to Mr. Bivens that it's the OSSAB's responsibility to protect the homeowners and citizens of Delaware. Dave also explained that the OSSAB had not yet voted to take action against Mr. Bivens' license. Matt explained Section 4.07500 of the State of Delaware Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems, stating that the DNREC Secretary may suspend or revoke the

licensee after considering the recommendations of the OSSAB. Mr. Bivens again requested that the OSSAB be lenient regarding enforcement action. Matt asked Mr. Bivens if he had any questions and explained that the OSSAB would make a recommendation to the Secretary; Byron explained that it is unusual for the OSSAB to recommend suspension/revocation to Secretary and asked Mr. Bivens if he had any ideas to improve his ability. Mr. Bivens explained the reasoning for installing a system across the property line was because the owner gave permission; Ken explained to Mr. Bivens that it was the responsibility of the licensee – not the homeowner – to follow the regulations; as such, this showed that Mr. Bivens was not familiar with the regulations. For a specific site, Gerry questioned the depth of tank, fabric not being placed and no wiring completed, etc, and asked how this can happen; Mr. Bivens responded that the house was not yet on-site and that he rented a generator but couldn't run it and said that the homeowner wanted the tank that deep; Ken again explained that Mr. Bivens was not familiar with the regulations. Sue asked Mr. Bivens on average, how many he installed annually. Mr. Bivens responded about three (3) and he currently has an LPP with open trenches at this time; Lāf explained that it's not recommended to leave trenches open and this could cause system failure. Mr. Bivens again explained that he is accepting his mistakes but is trying to make a living. Byron explained that this was Mr. Bivens' first requested appearance to OSSAB and suggested that Mr. Bivens' work needs improvement. Ken explained that he believes Mr. Bivens lacks the professional knowledge required for installing on-site systems and that he should not represent installers and suggested that the next managers warning should warrant suspension/revocation of Mr. Bivens' Class E license. Phil agreed with Ken's concerns regarding Mr. Bivens lack of knowledge of regulations and suggested that Mr. Bivens take courses (specifically DelTech's On-Site License Prep course (21-hrs)). Gerry explained that the OSSAB was aware of all Mr. Bivens documented deficiencies and respects Jim Cassidy's concerns and believes Mr. Bivens is incompetent. Lāf explained that Class D licensees see a lot of problems from previous installation failures and suggested that courses be taken by Mr. Bivens and agrees that Mr. Bivens is not knowledgeable of regulations. Dave agrees with Jim's requests as the Department representative. Matt explained that he would like to give one last chance to Mr. Bivens to make improvements and agrees that the next manager warning would warrant suspension/revocation. Phil believes that Mr. Bivens is not installing per the regulations and is concerned as a soil scientist and would follow Jim's request to suspend license. Byron explained that he would like to see Mr. Bivens finish the system he is currently installing and would like to see OSSAB put off vote until after update of that system. Gerry made a motion to suspend Mr. Bivens Class E license for one year and require Mr. Bivens to obtain 50 hours of course training or under supervision of a Class E licensee, Matt seconded. The OSSAB further discussed that motion and amended the motion to recommend that Mr. Bivens voluntarily surrender his Class E license until he has completed 100 hours under the direct supervision of Class E licensee; upon completion of training his license would be reinstated; Gerry rescinded the original motion. Matt made a motion for Mr. Bivens to voluntarily surrender his Class E license until he completed 100 hours of training under a Class E licensee and successfully complete DelTech's On-Site License Prep course; Phil seconded. Both Ken and Paul offered to provide Mr. Bivens with direct supervision hours. Mr. Bivens agreed to voluntarily surrender his Class E license and signed a letter prior to end of OSSAB meeting (copy in file). Mr. Bivens' letter notes that this action does not affect his Class F license and he will complete his current septic installation project. As a result of Mr. Bivens' letter, the OSSAB tabled the vote to suspend Mr. Bivens' license.

❖ License Applications:

<i>Applicant Name</i>	<i>License Type</i>	<i>Approved</i>	<i>Denied</i>	<i>Motion By</i>	<i>2nd By</i>	<i>All In Agreement</i>
John Phelps	A	X		Dave	Matt	X
Hilary Valentine	B	X		Gerry	Matt	X
Jeff Keating	E	X		Ken	Gerry	X
Kevin Keating	E	X		Ken	Gerry	X
Hilary Valentine	H	X		Dave	Paul	X

❖ CET's:

- Michael Lane (Class A, B #4193): Onlot Alternate Technologies– *Approved for 4.0 hours*
- DE Technical & Community College:
 - ◆ Activated Sludge: Settleability Problems & Loss of Solids & Filamentous Organisms - *Approved for 6.0 hours (All Licensees)*
 - ◆ Biological Nutrient Removal – *Approved for 6.0 hours (All Licensees)*
 - ◆ BOD, Metabolism, ORP & Sludge Productions & Troubleshooting SBR – *Approved for 6.0 hours (All Licensees)*
 - ◆ Septage & Toxicity & Troubleshooting the Activated Sludge Process with a Microscope – *Approved 6.0 hours (All Licensees)*

❖ Enforcement / Compliance:

- None at present time.

❖ Lāf notified members that Bruce Bagley will meet with him Friday to turn in field practicum for review.

❖ Next scheduled meeting for December 1, 2010.

❖ Meeting adjourned @ 11:30 am.


Prepared By Dawn Baker


Approved By Byron Jefferson